



Justice
Liquor &
Gaming NSW

323 Castlereagh Street,
HAYMARKET NSW 2000
GPO Box 7060, SYDNEY NSW 2001
Tel (02) 9995 0300 | Fax (02) 9995 0644
www.liquorandgaming.justice.nsw.gov.au

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FILE NO: A15/0005331

COMPLAINANT:

[REDACTED]

[REDACTED]

LICENSED PREMISES: The Greens North Sydney – LIQC300229262

ISSUES: Whether the quiet and good order of the neighbourhood of the licensed premises is being unduly disturbed.

LEGISLATION: *Liquor Act 2007*

SECTION 81 DECISION

Under Section 81 of the *Liquor Act 2007* (the Act) I, Sean Goodchild, Director Compliance Operations, Liquor & Gaming NSW a delegate of the Secretary, Department of Justice, in relation to the complaint made in respect to The Greens North Sydney St Leonards Park, North Sydney (the club) have decided to:

1. Impose one condition on the liquor licence being a requirement to comply with the LA10 noise criteria.
2. Accept an undertaking by the licensee to comply with the club's Plan of Management to ensure that patrons are directed to use exit routes that direct patrons away from the complainant's residence.

The detail of the condition, including the date on which it becomes effective, is outlined in Annexure 1.

REASONS FOR DECISION

Legislation

1. Section 79 of the Act provides that a prescribed person may complain to the Secretary that the quiet and good order of the neighbourhood of the licensed premises is being unduly disturbed because of the manner in which the business of the licensed premises is conducted, or the behaviour of persons after they leave the licensed premises (including, but not limited to, the incidence of anti-social behaviour or alcohol-related violence).
2. For the purpose of section 79 of the Act, a person who has standing to make a complaint includes a person who is a resident in the neighbourhood of the licensed premises and is authorised in writing by two or more other residents.
3. Section 80 of the Act enables the Secretary to deal with a complaint by way of written submissions from the licensee and any other person the Secretary considers appropriate. After dealing with the complaint, section 81 of the Act provides that the Secretary may decide to impose, vary or revoke licence conditions, issue a warning, or take no action.
4. In exercising functions under the Act, the Secretary must have regard to the Objects set out in section 3 of the Act and must have regard to the matters set out in section 3(2) which are:
 - a) The need to minimise harm associated with the misuse and abuse of liquor;
 - b) The need to encourage responsible attitudes and practices towards the promotion, sale, supply, services and consumption of liquor; and,
 - c) The need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

The Complaint

5. On 1 May 2015 [REDACTED] a resident at [REDACTED] (the complainant) lodged a disturbance complaint under section 79 of the Act concerning the club. The complainant alleged undue disturbance predominately from Wednesday to Sunday nights between 9.00 pm and midnight from excessive music and from the behaviour and anti-social behaviour of intoxicated patrons leaving the club. The complainant lodged the complaint as a person residing in the neighbourhood who is authorised by two other residents who are affected by the disturbance detailed in the complaint.

6. The complainant asserted that the issues of disturbance stem from the re-branding of the former North Sydney Bowling Club to the current business which commenced operating in November 2014 with expanded operating hours and a significant increase of persons attending the venue's facilities including a nightclub that operates later in the evenings.
7. The complainant also advised his residence is directly adjacent to the club's main driveway and alleged that regular disturbance is caused by large groups of disruptive patrons who scream, swear, laugh and whistle as they depart the club making their way towards Miller and Walker Streets, North Sydney. Further disturbance is caused by the use of a 'no stopping' zone in front of the War Memorial on Ridge Street that has become a pick-up and drop-off area for the club where traffic congestion is caused by vehicles entering and leaving the driveway to the club's carpark and vehicles making U-turns. It was also asserted that rubbish is left in the street from persons consuming alcohol both prior to entering and also after leaving the club.
8. The complainant advised of regular engagement with Mr Luke Simmons, Chief Executive Officer, North Sydney Leagues Club Limited and the then General Manager of The Greens, Mr Glen Ward concerning disturbance from the club. The complainant advised that the outcome of the meetings resulted in the club reducing its operating hours to 12 midnight on Friday and Saturday nights, closing 11.00 pm on other nights.
9. Notwithstanding the change of operating hours, issues of disturbance continued and could not be resolved. The complainant maintains that the club has not been able to effectively control departing patrons and confirmed that the issues raised in the complaint were also reported to NSW Police and North Sydney Council.

Submissions

10. Between 22 May 2015 and 19 May 2016 various submissions were lodged by all affected parties. A list of the material that is before the delegate of the Secretary is set out in Annexure 2. The key submissions are summarised at Annexure 3.

Statutory considerations of section 81(3) of the Act:

11. The Act requires that in certain cases the Secretary have regard to three statutory considerations being the order of occupancy between the licensed premises and the complainant; any changes in the licensed premises and the premises occupied by the

complainant, including structural changes to the premises; and, any changes in the activities conducted on the licensed premises over a period of time.

12. *The order of occupancy between the licensed premises and the complainant –*

The club has held a liquor licence at its present site since 9 February 1960. The Council advised that the club has maintained a perpetual lease over the Crown Land (the club site) since 1888. The complainant advised of residing at his current address for the past 19 years. This fact is not in dispute and I consider that the order of occupancy consideration is in favour of the club.

13. *Any changes in the licensed premises and the premises occupied by the complainant, including structural changes to the premises –*

The complainant advised that part of an existing bowling green was converted without consent authority into an open area for dining. There have been no changes to the complainant's premises.

14. *Any changes in the activities conducted on the licensed premises over a period of time –*

The complainant advised that the bowling club was taken over by North Sydney Leagues Club Limited and was re-branded as 'The Greens'. The re-brand included expanded business operations catering for high volume numbers of patrons, expanded dining facilities, barefoot bowling, various outdoor promotions and amplified entertainment. Prior to the change in business operations the club operated as a more traditional bowling club.

Considerations and findings

15. I am satisfied the material before me is sufficient to support a finding that the club has on occasions caused undue disturbance to the neighbourhood. In reaching this conclusion I have balanced the submissions on behalf of the club, the complainant, NSW Police and the council. The disturbance has been caused primarily from patrons leaving the premises and on occasion went beyond what could normally be expected from the operation of a bowling club in a residential area. This included patrons leaving talking loudly, swearing, urinating and leaving rubbish in the neighbourhood of the licensed premises. There is also evidence to demonstrate that there has been disturbance from amplified music on occasion.

16. In order to ensure appropriate safeguards are in place for the future operation of the club I consider it appropriate to impose the LA10 noise condition. The LA10 condition is an accepted industry standard and provides clear guidance to the club on acceptable levels of noise due to the operation of the club. Should there be non-compliance with the condition both L&GNSW inspectors and police have the power to enforce the conditions

which provides an added incentive for the club to ensure they comply with the LA10 noise criteria.

17. I also consider that the undertaking by the licensee to comply with the club's Plan of Management will better ensure that patrons are encouraged to use exit routes that direct patrons away from the complainant's residence and will be effective in managing disturbance issues. Whilst this has not been imposed as a condition at this time, should the licensee fail to adhere to the Plan of Management or should it be ineffective, then an escalated response in the form of conditions may be considered as appropriate.
18. I have also taken into account that since the complaint was lodged the club has undertaken acoustic testing, implemented a Plan of Management and Summer Plan of Management and changed its business model. The change of business model is reflected in the sales data comparisons that show a decrease in reliance on late night trading, and the substantial shift in focus towards food/beverage daytime and evening operation.
19. I am of the view that the imposition of the proposed condition and the club's undertaking to comply with the Plans of Management is a balanced response which does not unduly impact on the club's business and safeguards against future instances of disturbance while providing an avenue for escalation should the undertakings prove ineffective. The licensee is reminded that as the busy summer and Christmas period approaches, the club should be vigilant in adhering to the plan of management and taking the necessary steps to prevent undue disturbance in the neighbourhood.

Date of decision: 13 September 2016



Sean Goodchild
Director Compliance Operations
Delegate of the Secretary, Department of Justice

Application for review:

Should you be aggrieved by this decision, you may seek a review by the Independent Liquor & Gaming Authority by an application which must be lodged within 28 days of the date of this decision, that is, by no later than **11 October 2016**. A \$500 application fee applies. Further information can be obtained from Authority Guideline 2 published at

www.liquorandgaming.justice.nsw.gov.au

In accordance with section 36C of the Gaming and Liquor Administration Act 2007 this decision will be published on the Liquor and Gaming NSW website at www.liquorandgaming.justice.nsw.gov.au

Under section 81 of the *Liquor Act 2007* a delegate of the Secretary of the Department of Justice has imposed the following condition on the liquor licence of:

The Greens North Sydney – (LIQC300229262)

LA10 Noise Condition

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 07:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am.

*For the purposes of this condition, the *LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.*

Date condition effective: 13 September 2016

The material before the delegate of the Secretary in making this decision comprises:

1. Section 79 Noise Disturbance Complaint lodged by [REDACTED] on 1 May 2015 and various email submissions received between the dates of 7 June 2015 and 20 April 2016.
2. Submissions by North Sydney Council dated 22 May 2015 and 19 October 2015.
3. Submissions by Senior Constable Bradley Duke, Harbourside Local Area Command Licensing Unit dated 3 June 2015, 28 July 2015, 28 August 2015 and 6 October 2015.
4. Email from Mr Luke Simmons Chief Executive Officer, North Sydney League Club Limited dated 18 June 2015 submitting supporting documents including an acoustic report prepared by the Acoustic Group dated 15 June 2015.
5. Various submissions by Gadens Lawyers representing the club dated 18 June 2015, 16 July 2016, 28 August 2015 and 24 September 2015.
6. Email from Mr Tony Williams, General Manager of the club dated 23 February 2016 submitting the clubs Summer Plan of Management. Email dated 19 May 2016 submitting an Hourly Sales Spread Sheet analysis comparing the months of January 2015 and January 2016.
7. File notes of Liquor & Gaming NSW inspector meetings and observations conducted at the club on 8 October 2015, 12 December 2015, 12 January 2016 and 5 April 2016.



Annexure 3

Summary of key submissions

Submissions from North Sydney Council dated 22 May 2015 and 10 November 2015

1. A submission from Mr Joseph Hill, Director-City Strategy, North Sydney Council advised that the Council has been investigating the issues raised in the disturbance complaint and that proceedings had been initiated against North Sydney Leagues Club Limited in the Land and Environment Court of New South Wales on 6 May 2015 concerning an alleged breach of section 123 of the *Environmental Planning and Assessment Act 1973*. These proceedings related to an unauthorised paved area and associated structures over the northern green at the property.
2. On 10 November 2015 correspondence was received from Ms Carly Frew Team Leader Administration City Strategy Division, North Sydney Council advising that in respect to Development Application No 226/15 "Council has resolved to refuse the extension and use of outdoor bar and dining facilities including outdoor bar, lighting, amplified music, additional toilet facilities, hours of operation 7 am to 11.00 pm Monday to Saturday and until 10.00 pm Sunday (club to close at 12 midnight Monday to Saturday) at the above site". To date, no further information has been provided by the Council in respect to the outcome of this matter.

Submissions from Senior Constable Bradley Duke, Harbourside Local Area Command Licensing Unit dated 3 June 2015

3. Senior Constable Duke in an email advised NSW Police have been monitoring the club since reopening in November 2014 and have sought assistance from the Council in relation to a number of Development Consent matters. The submission advised that resident complaints were received concerning the club's impact on the neighbourhood and caused by extensive changes including the creation of a beer garden on the northern green.
4. Police advised of entering negotiations with the club to reduce the impact of disturbance to nearby residents. In this respect, the club agreed to a number of strategies which included the removal of the former approved manager; reduced trading hours; limiting the use of the beer garden to cease at 10.00 pm; a requirement for security guards to be stationed on Ridge Street to deter noisy departing patrons; and, the change of security provider due to ineffective practices.
5. The submission also advised that the club promotes 'barefoot bowls' on the southern green which is the green nearest to Ridge Street. Bowling sessions are combined with food and beverages and operates between the hours of 10.00 am and 9.00 pm on most days. Outdoor amplified music is also played to accompany the bowling activities adding to the noise created by the patrons engaged in these activities and that they have been unable to establish the parameters of the defined licensed area and in this respect have a differing view to the club. Police are of the view that the defined licensed area is

confined to the boundaries of the club's building as opposed to the club which contends that the whole property within its leased area is licensed.

6. The renovations undertaken at the club and its subsequent promotion has attracted large numbers of patrons and changed the club from the way it has traditionally operated. The residents give the inference that the business operates more like a hotel than a club. Police contend that prior to the changes the residents of Ridge Street North Sydney enjoyed a peaceful and uninterrupted neighbourhood and that the recent changes to the club have had an adverse impact on those residents.
7. In respect to patron behaviour, Police stated that a major cause of disturbance is from persons attending and leaving the club. Residents have acknowledged that the club has conducted 'barefoot bowls' for approximately 10 years and issues of disturbance from this type of entertainment had generally ceased by 9.30 pm. The current business model, (which included extended operating hours) encouraged patrons to attend and leave the club at later times resulting in additional disturbance from alleged intoxicated and uncontrolled patrons between 10.00 pm and 12 midnight and on occasions during the early hours of the morning. Police received video footage from the complainant that depicts persons loitering and causing disturbance at the club's driveway entrance and on the footpath outside of the complainant's residence
8. NSW Police provided 56 COPS Events relating to the club of which 36 events related to business inspections conducted between December 2014 and May 2015. A number of the events also related to lost property, fraud, stealing, and driving offences –'low range prescribed concentration of alcohol', an assault related to the Oaks Hotel and a Break & Enter offence that was reported by the club. These particular matters were not considered as having relevance to the disturbance complaint.
9. The following COPS events were taken into consideration:
Event 193430098 states, "At 11.00pm on 19 December 2014 whilst conducting a walkthrough police noted a patron at the front of the club who was well affected by alcohol. Police spoke to two persons with the intoxicated male who advised they had all been drinking at the club since 5.00 pm at rock & bowls. Police observed the intoxicated male vomit a number of times and alleged that he was not noticed by security personnel. Police later brought the intoxicated male's presence was brought to the attention of the manager".

Event 109889402 states, "Police conducted an inspection at The Greens on 21 May 2015. On arrival at the club and whilst walking along Ridge Street officers could hear loud music coming from the greens. Police noted that the source of the music was from a speaker located within a dog kennel at the side of the green with the speaker directed towards Ridge Street. The music emanating from the kennel could be easily heard from the boundary of the residential dwellings".
10. Police advised it is not uncommon during the warmer months for the club's management to regularly admit upwards of 700 patrons. Police raised these concerns advising the club that "excessive patron numbers combined with amplified music being either background or live DJ performances creates high noise levels".
11. Police also advised, "At 19.00 on 5 December 2014 police officers on approaching the club noted loud amplified music emanating from the venue. Upon entry officers noted a DJ was playing music and all exterior doors were open and the music noise was carrying to the neighbouring properties. Police spoke to the manager who closed a number of doors". The event does not detail whether the attending officers were responding to a complaint of noise disturbance from amplified entertainment.

Submission from the Complainant dated 7 June 2015

12. The complainant advised of a meeting convened between the residents and club management on 31 May 2015 to discuss the following matters:
 - disturbance from continued use of the northern green as a beer garden
 - excessive patron numbers
 - restricting trading hours
 - request that liquor only be served in conjunction with a meal
 - inadequate parking for patrons on club property causing an increased demand for street parking
 - requirement for security guards to control departing patrons, and,
 - disturbance from patrons attending 'rock & bowls' events and associated amplified entertainment
13. The complainant stated that the club whilst rejecting a number of the issues, had engaged an acoustic consultant to conduct noise monitoring, and that the club had hired a new security company which would be more effective.

Submission from Mr Luke Simmons Chief Executive Officer North Sydney Leagues Club Limited dated 18 June 2015

14. On 18 June 2015 in response to the complaint, Mr Luke Simmons Chief Executive Officer North Sydney League Club Limited submitted a number of supporting documents providing analysis of the 56 COPS Events submitted by the police in their submission that noted the following:
 - Analysis of the supplied COPS Events noted that one related to noise, eight related to disturbance/behaviour and two were technical breaches of legislation.
 - A extract of Minutes of the 'Stanton Precinct Committee Meeting' dated 7 April 2015 demonstrates the various other entities that conduct functions including the sale of liquor and provision of entertainment within St. Leonards Park that is not associated with the activities at the club.
 - An information sheet in respect to 'Sunset Cinema' dated 22 January to 28 March 2015 details how tickets can be purchased by members of the public, screening times, and the availability of food and alcoholic beverages available within North Sydney Oval. Mr Simmons also advised that the cinema operates with very large speakers and the amplified sound emanates out of the oval and is audible from Ridge Street and from within the club grounds.

Acoustic Report

15. An acoustic report dated 15 June 2015 prepared by The Acoustic Group was included with the club's submission and stated that the club is located on the south eastern corner of St Leonards Park, North Sydney and is accessed by a single lane driveway from Ridge Street. The report describes St. Leonards Park as having four discrete sections, namely the south-western quadrant containing North Sydney Oval the south-eastern quadrant containing the club and the north-east quadrant containing a sports area and cricket pitch. The north-west quadrant contains a rotunda which at times is used for public performances or music and the like. St. Leonards Park is bounded by Falcon Street to the north, Miller Street to the west, Ridge Street to the south and the Warringah Freeway to the east.
16. Acoustic monitoring was conducted on 6 December 2014 between 9.45 pm and 10.30 pm however was terminated due to inclement weather. Notwithstanding, measurements that commenced at 9.45 pm did not find any audible noise from the club in an ambient background of 51 dB(A) which was controlled by general traffic noise from the Warringah Freeway.

17. The monitoring also ascertained significant variations in the noise level recorded at the monitoring location (at the boundary of the principle complainant's residence and opposite the cenotaph) was a result of vehicles using Ridge and Walker Streets with some vehicles associated with the arrival and departure of patrons and other vehicles being through traffic. Intermittent peak noise levels were associated with pedestrian traffic on Ridge Street and the access driveway to the club. The consultant noted at the commencement of the monitoring there was no presence of security on the driveway but during the course of the monitoring a security person arrived.
18. The consultant noted that at times vehicles would pull up outside the Cenotaph (northern side of Ridge Street) to drop off persons who then attended the club giving rise to an increase in the ambient background level during those events. Pedestrian traffic both entering and leaving the club and in the main those leaving continued down to Walker Street generally conversing between themselves.
19. The consultant inspected the club noting that whilst there were no activities on the southern or middle greens 150 persons were located on a paved area on the western side of the northern green and approximately 120 persons were socialising within the clubhouse. A number of speakers were providing music in the outdoor area such that there was a general average noise level throughout the outdoor area (as spatial average) in the order of 89 dB(A). The acoustic report advised that this level and the number of patrons is relevant in terms of the assessment of noise emission in that no noise from either patrons or music on the premises could be detected at the residential reference point.
20. The report advised that although noise monitoring was interrupted due to heavy rain, readings were taken up until 10.00 pm and those readings did not detect any noise from the club. Notwithstanding the consultant was of the view that there was a need for an appropriate security presence at the driveway entrance to ensure patrons do not generate excessive noise.
21. Further acoustic monitoring was undertaken from 9.15 pm on 30 June 2015 at the same location as the previous monitoring which revealed fluctuating levels with intermittent noise events associated with vehicles entering and leaving the club and some noise from pedestrians using the access lane. The report noted that noise from vehicles on Ridge Street was significantly louder than noise from vehicles on the access driveway and were the major influence in terms of determining the L10 statistical noise level that was found to be 68 dB(A) at the monitoring location and no noise was detected from the club during the course of the monitoring. The report also noted that during the initial part of the monitoring a security guard was stationed at the club's driveway controlling both traffic entering and leaving and also patrons. Towards the end of the 15 minute monitoring period the consultant noted a second security guard attended Ridge Street so that two guards were on duty.
22. A further inspection of the club by the consultant noted that the greens were not in use, however 75 persons were located in the outdoor area on the western side of the northern green where an average noise level of 73 dB(A) was recorded as a spatial average of the combination of both patron and music noise. The inspection noted 90 persons in the clubhouse with an average noise level of 88 dB(A).
23. The report advised that the assessment of the night-time site visits in respect to the club did not find any audible or measurable increase above the ambient background level at the nearest residential receiver outside the principal complainant's residence from the club or the outdoor areas being subject of the application, and that there was full compliance with the acoustic criteria of both Liquor & Gaming NSW and the Council.
24. The report acknowledged that during the monitoring periods the club was not operating at maximum capacity and there did not appear to be any activities occurring on the

actual greens. Notwithstanding, a calculus was used to assess noise levels at the club with a maximum capacity of 700 persons using the outdoor area at night. The resultant contribution from 700 patrons in the external area was calculated to be 49 dB(A) at the residential receiver and when compared with the minimum background level from the survey reveals compliance with the Liquor & Gaming NSW noise criteria.

25. The report recommended the following additional safeguards:
- during the evening period use of the southern green be reduced with the concentration of players to use the middle green
 - installation of a poly-vinyl dropdown blind using 1.5 mm thick PVC material on the southern side of the outdoor marquee to provide additional acoustic shielding
 - redirecting the angles of the elevated outdoor speakers so that noise is directed towards the ground, and the orientation of other speakers so they do not face Ridge Street
 - installation of a noise limiter to maintain the sound system noise levels observed during the monitoring periods
 - making use of the gate in the north-western corner of the site as an exit point after 10.00 pm and by the installation of appropriate lighting through the park will provide better access to public transport available in Falcon Street and significantly reduce the number of patrons attending Ridge Street.

Complainant's response to club submission dated 1 July 2015

26. On 1 July 2015 the complainant in a response to the club's submission stated, "Our fundamental issue with the club arises from the fact that North Sydney Leagues Club (NSLC) has in our view exploited the licence to sell alcohol originally granted to the North Sydney Bowling Club (NSBC). We take exception to the massively expanded patron numbers and hours of operation and the anti-social behavioural issues that we have been subjected to.
27. The NSBC has used this licence to drive its business model which is based on the sale of food and alcoholic beverages to as many people it can accommodate in its club house and beer garden in a seven day a week operation starting as early as 8.00 am and finishing as late as 12 midnight. We have lived opposite the North Sydney Bowling Club for 18 years and have never had cause to complain about any behaviour emanating from the clubhouse, or its patrons, including the previous rock and Bowl activity.
28. The residents refute the suggestion that the club has always sought to operate responsibly within its neighbourhood. We have not felt that our concerns have been addressed and live with the daily uncertainty of repercussions from a club that operates often with numbers that would constitute an event. We resent that security is required to keep order, the rubbish trucks arriving in the early morning wake us, the vision of temporary structures on the horizon, the litter of beer kegs and the offensive language and behaviour emanating from this establishment. Our issue extends to the core of the club's business model and is not limited to the exiting of patrons as has been suggested".
29. The complainant reiterated his request for patron numbers and trading hours to be reduced, taxis re-directed to the other side of the park and patrons to be controlled. The No Stopping zone in front of the war memorial is still being used as a waiting and drop off zone by taxis and cars and people continually congregate there. Large groups of drunken young men have exhibited disgraceful behaviour and residents would prefer that patrons did not urinate or vomit on their boundary walls.
30. The complainant stated that a maximum of 150 people is a more suitable maximum number for a club/restaurant of this type in its location and considers the operation

should be confined to the clubhouse building. The complainant requested a 9.30 pm closing time and five day restricted trading to give some respite to the residents and park users. The complainant supports the police opinion of prohibiting alcohol on the greens which should also be vacated by 8.30 pm.

Submissions by Gadens Lawyers representing the club dated 18 June 2015, 16 July 2015, 28 August 2015 and 24 September 2015

Club's history and membership

31. The submission dated 18 June 2016 advised that the club amalgamated with North Sydney Leagues Club in 1996 and following the revitalisation of the business, the club currently has a membership exceeding 9000 members of which 91% reside in the Lower North Shore and 60% within North Sydney itself.
32. The club provides an extensive range of bowling activities including pennants competition, zone championship events, club championships throughout the year, social bowls, alternative pennant-style competitions and rock & bowls which was introduced during 2005.
33. Recent upgrades to the facilities now offered at the club whilst improving profitability and an increase in patron numbers particularly over the summer period has increased the impact of the club to nearby residents that was beyond their client's expectations.

Response to issues of disturbance

34. In response to resident concerns the club engaged an acoustic consultant to conduct acoustic monitoring and make recommendations as to how any identified noise disturbances could be rectified. The submission referred to the acoustic report findings that the club's noise emissions was compliant with the LA10 noise criteria however noise emissions from patrons exiting the venue by the driveway would be a likely source of disturbance for some residents.

Deployment of security guards

35. In an attempt to address this issue, the club has stationed security staff along the driveway to manage patron noise on departure and persons seeking cabs are asked to depart through St. Leonards Park to Miller and Falcon Streets where cabs are more prevalent. The club has also reduced the operating hours of the outdoor area to 10.00 pm along with a general reduction of trading hours with the club now trading until midnight.

Response to complainant's comments

36. The submissions advised of their club's opposition to the complainant's request for trading restrictions stating they were excessive and unwarranted. In the complainant's response of 31 May 2015 the complainant stated he "would like the club to operate with heavily restricted patron numbers limited to 150 persons (which is less than the original capacity of the club) and to only be permitted to serve alcohol with a meal." The club submits that these restrictions would essentially convert the club's licence to that of a restaurant.
37. The club refutes the complainant's allegations that the club does not responsibly manage the consumption of alcohol by patrons and that it conducts a nightclub style operation. Whilst DJ style entertainment is provided on Friday and Saturday evenings between 7.00 pm and 10.00 pm and between 6.00 pm and 9.00 pm on Sundays amplified music is played through the club's internal system which is noise limited. The volume level of the music is played at a level to allow conversations to be held.

38. A new general manager for the club was appointed in March 2015 and a new security company appointed on 22 May 2015. Since meeting with the residents on 31 May 2015 the club has been trialling use of an alternative exit at the north western end of the property through St. Leonards Park, a recommendation of the acoustic report.

Response to COPS Events

39. In respect to the 56 COPS events attached to the police submission, some were incomplete, and the majority related to business inspections where no breaches were noted. On only one occasion being 5 December 2014 was excessive noise identified by the attending officers as an issue. Event 193430098 relates to an intoxicated male at the club who was alleged not to have been noticed by the club's security staff.
40. In respect of this matter, the club alleged that the relevant incident register entry advised that the intoxicated person had been noticed 30 minutes prior to the subsequent police observations and security officers had observed the person to lie down on the ground in the park opposite the club. Security officers approached this person, assessed his condition and provided him with water. It is also alleged that at the time the person was in the company of friends and a suggestion to call a taxi to take the person home was rejected.
41. In response to the complaint the club has listened, responded and has reviewed and adjusted its operations to minimise impacts on nearby residents. The club has refined and improved its plan of management in conjunction with the change of the club's general manager and security firm.
42. The submission of 28 August 2015 responds to a further submission from police relating to their client signing a Local Licensing Agreement (LLA) agreeing to a number of controls to prevent undue disturbance to nearby residents. The submission also noted the failings of the previous security company and the club's former manager and inconsistencies in the reporting of events in the clubs incident register. The submission advised of their clients understanding that the implementation of the new security company and management team has resulted in improvements.
43. The issues of inconsistent reporting will be addressed by their client directly with local police. In response to police opinion that additional controls are required to reduce potential impacts on neighbours the submission advised that their client is of the understanding that the further controls sought have already been agreed to and finalised in expectation these measures can resolve the current complaint.
44. The submission of 24 September 2015 sought to clarify a number of issues raised in the police submission of 28 August 2015 and acknowledged that the club previously traded with lower trading levels, and that comments made in its previous submission concerning this issue were misinterpreted by the complainant.
45. The submission reiterates that traditional bowling activities at the club are strong and bowlers support the recent improvements and revitalisation of the club. In this regard a letter of support was submitted by President of North Sydney Bowling Club.
46. The submission also advised that the Land and Environment Court proceedings have not proceeded as the Heritage Council recently listed St. Leonards Park as a State Heritage Item, and the club was required to prepare an amended heritage impact statement for the Councils consideration.

Complainant submissions

47. Multiple submissions were received from the complainant responding to the club's submissions. The complainant reiterated that issues of disturbance had not abated and that a fundamental issue of the complaint is that residents take exception to the massively expanded patron numbers and hours of operation and anti-social behaviour issues at the club and requests patron numbers and trading hours be reduced, taxis redirected to the other side of the park and patrons be controlled.
48. The complainant also requested that the club be limited to a maximum of 150 people and its operations be confined to the clubhouse building, a 9.30 pm closing time and five day restricted trading to give some respite to the residents and park users. The complainant supports the police opinion of prohibiting alcohol on the greens which should also be vacated by 8.30 pm.
49. On 14 April 2016 a Liquor and Gaming NSW case officer in response to an email from complainant provided the complainant with an update and status of the recommended actions to be place at the club in response to the complaint.

Additional submissions from Senior Constable Bradley Duke dated 28 July 2015, 28 August 2015, 6 October 2015

50. Senior Constable Duke advised that the club relies on the outcome of acoustic testing and findings of the consultant who found that the club was operating within the LA10 noise criteria, and that the club's opinion that patron noise disturbance is generally caused by people talking in "slightly elevated voices". Police submit that a review of the three video files taken by the complainant that was also provided to the club clearly evidences patrons "yelling and shouting" and causing disturbance to the neighbourhood.
51. Senior Constable Duke also advised that there were three incidents where intoxication was identified as an issue and in particular Event 193430098 where attending police located a male vomiting in the gutter and then lying in his own vomit. Police were unable to communicate with the person due to his level of intoxication and obtained information from the persons with whom he had been drinking with.
52. The police also acknowledged that the new security provider and management team at the club has resulted in improvements in patron behaviour and noise however they are of the view that further controls and restrictions are necessary to ensure that the club's impact on nearby residents is further reduced.
53. Police also advised that events held within North Sydney Oval are ticketed events and a liquor licence is in place. The events are outdoor movies that are primarily attended by families. Police note that the events would contribute to the noise levels within the park however events generally are concluded by 10.30 pm and patrons depart the venue from near the intersection of Fig Tree Lane and Miller Street and would have limited impact upon the residents of Ridge Street.
54. In respect to the acoustic monitoring NSW Police do not dispute the readings and data taken by the acoustic consultant however have determined that the readings were either taken over a very limited time frame during winter when there was low patronage and during inclement weather in December. The conclusion by the acoustic consultant that there was no issue with noise emitted from the premises is only relevant to the limited observations made. Police further state that given the limited readings and information it could be agreed that noise is not an issue however believe that the readings do not accurately reflect the operation of the club.
55. On 6 October 2015 Senior Constable Duke provided a further submission that included a precis of meetings with Mr Luke Simmons, Chief Executive Officer, Norths Leagues Club and Mr Tony Williams, General Manager of the club in relation to the complaint and

other matters relating to the alleged poor standard and accuracy of incident reporting in the club's register. The submission also included a schedule of 10 alleged breaches relating to these matters of which were dealt with by Senior Constable Duke.

56. Senior Constable Duke also advised that there was negotiation with the club concerning alleged unrealistic conditions of the LLA and other concerns relating to the club's defined licensed area which is yet to be resolved. Notwithstanding police are of the opinion that the operational changes suggested previously have started to reduce the club's impact on the surrounding residents, and an appropriate test of these changes will be during the peak summer period when the venue has higher patronage.
57. The submission also acknowledged that video surveillance footage provided by the complainant supports the view that the club's operation has at times caused undue disturbance to the quiet and good order of the neighbourhood that has not been disputed by the club. The police submission is supportive of the positive action by the club in respect to the change of management and security provider to ensure that such undue disturbance is not repeated and that a clear plan of management for the operation of the club has been implemented.

File Notes of Liquor & Gaming NSW inspector meetings and observations conducted at the club between 8 October 2015 and 5 April 2016

58. Between the dates of 8 October 2015 and 5 April 2016 Liquor & Gaming NSW inspectors attended meetings with Mr Luke Simmons and Mr Tony Williams at the club to view noise amelioration measures, discuss issues of ongoing disturbance, including video footage taken by complainant on 26 November 2015 depicting anti-social behaviour and loitering by alleged club patrons, and proposed methods to reduce the incidence of undue disturbance to the neighbourhood. The inspectors also conducted covert monitoring from the vicinity of the complainant's residence to assess noise levels emanating from the club. The noise assessments did not find noise emissions from the club to be excessive or undue.
59. In response Mr Williams advised that the undertakings set out in the LLA were still being administered, that the complainant had been provided his mobile number and that a noise disturbance complaint register was being maintained. The club has made changes to the duties of security guards employed at the club and that up to six guards are employed in peak trading periods. Guards are required to regularly walk groups of patrons to and from the club to ensure orderly behaviour.
60. Inspectors reviewed the club's operational procedures for security guards and requested clearer guidelines and tasking of guards to be provided. Mr Simmons advised that a new Summer Plan of Management was being prepared and this document will encapsulate the issues raised in the complaint to ensure the club's operation does not create issues of undue disturbance to nearby residents.
61. On 23 February 2016 following the request for amendments by Liquor & Gaming NSW, Mr Tony Williams General Manager of the club submitted a revised Summer Plan of Management.
62. On 19 May 2016 Mr Williams submitted details of the club's hourly sales figures comparisons for the respective periods of the 2015 and 2016 years. The figures disclose that new management strategies have decreased the reliance on late night trading with the business focus now towards the daytime operation and substantial focus on food/beverage. The club submitted a comparison of hourly sales data for the peak trading periods of January 2015 and January 2016. The January 2016 analysis shows a 135% increase in sales recorded between 8.00 am and 12 midday and a decrease of 73% in sales recorded between 10.00 pm and 1.00 am from the January 2015 data.

63. On 25 May 2016 Mr Luke Simmons Chief Executive Officer, Norths League Club Limited in an email to Liquor & Gaming NSW advised that the club undertakes to comply with the plans of management in place for both the current and summer operations with particular reference to ensure that departing patrons do not impact upon the residents of Ridge Street. The club will also continue to attend local precinct committee meetings and other community forums that enable the club to engage with residents and other stakeholders so that the club understands areas of concern and can take appropriate action.